

ORAL ARGUMENT HELD MAY 16, 2025
No. 25-5091

IN THE UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT

NATIONAL TREASURY EMPLOYEES UNION, *et al.*,

Plaintiffs-Appellees,

v.

RUSSELL VOUGHT, in his official capacity as Acting Director of the Consumer
Financial Protection Bureau, *et al.*,

Defendants-Appellants.

On Appeal from the U.S. District Court for the District of Columbia
No. 1:25-cv-00381 (The Hon. Amy Berman Jackson)

MOTION OF 36 MEMBERS OF CONGRESS FOR
INVITATION TO FILE BRIEF AS *AMICI CURIAE*
IN SUPPORT OF APPELLEES' PETITION FOR REHEARING EN BANC

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October 6, 2025

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Movants respectfully request an invitation from this Court, under Circuit Rule 40(f), to submit this brief as *amici curiae* in support of Plaintiffs-Appellees' petition for rehearing en banc. *See, e.g.,* Order, *Global Health Council v. Trump*, No. 25-5097 (D.C. Cir. Aug. 28, 2025) (granting motions requesting invitations to file *amicus curiae* briefs in support of a petition for rehearing en banc). Pursuant to D.C. Circuit Rule 29(b), undersigned counsel represent that all parties have consented to this motion and the filing of *amici's* brief.

I. Interest of *Amici Curiae*

Proposed *amici* are the Democratic Leader of the Senate as well as the Democratic members of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives—the two committees that oversee the Consumer Financial Protection Bureau. Many *amici* also participated in the passage of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank), Pub. L. No. 111-203, 124 Stat. 1376, which established the CFPB as part of a broader regulatory framework to protect consumers in the U.S. financial marketplace. Based on their experiences, *amici* know that Congress created the CFPB as a new agency with consolidated consumer financial protection authority and gave the Bureau extensive—and in many cases exclusive—mandatory responsibilities and

obligations to regulate the financial institutions whose conduct led to the 2008 financial crisis.

As the district court found, absent a preliminary injunction, Defendants will implement their decision to eliminate the CFPB. JA634-35, 697. Allowing Defendants to do so would represent a blatant disregard for Congress's constitutional role and threaten the consumers the CFPB was created to protect—and has protected since its creation a decade and a half ago. *Amici* thus have a substantial interest in this case.

A full list of *amici* is appended to this Motion as well as the accompanying *amici curiae* brief.

II. Usefulness of Briefing by Prospective *Amici Curiae*

Movants believe their proposed brief would be useful to the Court because the brief addresses issues—the necessity of the CFPB and Defendants-Appellants' violation of the constitutional separation of powers—not directly addressed by the Plaintiffs-Appellees' petition. As explained, *amici* have unique and specialized knowledge regarding the creation of the CFPB and its role in protecting American consumers and guarding against the type of conduct that led to the 2008 financial crisis. Moreover, members of Congress have filed amicus briefs in multiple cases about the constitutional separation of powers, including on the merits in this case in the district court and this Court. Thus, beyond their firsthand experience legislating,

amici have expertise in the constitutionality of decisions by the Executive to dismantle statutorily-created agencies.

CONCLUSION

For the foregoing reasons, *amici* members of Congress respectfully request that Court invite them to file the accompanying *amici curiae* brief.

Respectfully submitted,

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October 6, 2025

Counsel for Amici Curiae

CERTIFICATE OF COMPLIANCE

I hereby certify that this motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(a) because it contains 469 words, excluding the parts of the motion exempted by Rules 32(f) and 27(a)(2)(B).

I further certify that this motion complies with the typeface requirements of Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6), because it has been prepared in a proportionally spaced typeface using Microsoft Word for Office 365 in a 14-point Times New Roman font.

Dated: October 6, 2025

/s/ Hannah M. Kieschnick
Hannah M. Kieschnick

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2025, I electronically filed the foregoing document using the Court's CM/ECF system, causing a notice of filing to be served upon all counsel of record.

Dated: October 6, 2025

/s/ Hannah M. Kieschnick
Hannah M. Kieschnick

APPENDIX*List of Amici Curiae*

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|--------------------------------|------------------------------|
| 1. Sen. Charles E. Schumer | 19. Rep. Al Green |
| 2. Sen. Elizabeth Warren | 20. Rep. Emanuel Cleaver, II |
| 3. Rep. Maxine Waters | 21. Rep. Jim Himes |
| 4. Sen. Jack Reed | 22. Rep. Bill Foster |
| 5. Sen. Mark Warner | 23. Rep. Joyce Beatty |
| 6. Sen. Chris Van Hollen | 24. Rep. Juan Vargas |
| 7. Sen. Catherine Cortez Masto | 25. Rep. Josh Gottheimer |
| 8. Sen. Tina Smith | 26. Rep. Vicente Gonzalez |
| 9. Sen. Raphael Warnock | 27. Rep. Sean Casten |
| 10. Sen. Andy Kim | 28. Rep. Ayanna Pressley |
| 11. Sen. Ruben Gallego | 29. Rep. Rashida Tlaib |
| 12. Sen. Lisa Blunt Rochester | 30. Rep. Ritchie Torres |
| 13. Sen. Angela Alsobrooks | 31. Rep. Sylvia R. Garcia |
| 14. Rep. Nydia M. Velázquez | 32. Rep. Nikema Williams |
| 15. Rep. Brad Sherman | 33. Rep. Brittany Pettersen |
| 16. Rep. Gregory M. Meeks | 34. Rep. Cleo Fields |
| 17. Rep. David Scott | 35. Rep. Janelle S. Bynum |
| 18. Rep. Stephen F. Lynch | 36. Rep. Sam T. Liccardo |